

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PAUL EDWARD KIMBLE,)
Petitioner,)
v.) Civil Action No. 2:13-052
COMMONWEALTH OF PENNSYLVANIA, et) United States Magistrate Judge
al.,) Cynthia Reed Eddy
Respondents.)

MEMORANDUM ORDER

On January 10, 2013, the above captioned case was filed in this Court and was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges.

The Magistrate Judge filed a Reissued Report and Recommendation on July 12, 2013 (ECF No. 12), recommending that the petition for writ of habeas corpus be dismissed as untimely in accordance with the directives in 28 U.S.C. § 2244(d), and that a certificate of appealability be denied. Plaintiff was served with the Reissued Report and Recommendation at his listed address and was advised that he had until July 29, 2013, to file written objections to the Report and Recommendation. No objections have been filed.

Accordingly, after *de novo* review of the pleadings and documents in the case, together with the Reissued Report and Recommendation, the following order is entered:

AND NOW, this 20th day of August, 2013;

IT IS HEREBY ORDERED that the Reissued Report and Recommendation (ECF No. 12) dated July 12, 2013, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the petition for a writ of habeas corpus is **DENIED** as untimely; the Court finds no basis upon which to issue a certificate of appealability, and a certificate of appealability is **HEREBY DENIED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

The Clerk of Court shall mark this case **CLOSED**.

By the Court:

s/Terrence F. McVerry
United States District Judge

cc: all counsel of record

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